

**Special House Legislative Commission to Study the Effects and Procedures for the  
Reorganization of the Rhode Island Coastal Resources Management Council**

Wednesday, January 19, 2022

Time 3:00 PM

Meeting Notes

(Not intended as official meeting minutes)

**Commission Members in Attendance:** Representative Deborah Ruggiero, Representative Arthur Handy, Representative Lauren Carson, Topher Hamblett, Stephen Land, Michael McGiveney, Paula Bontempi, Lawrence Taft, Sven Risom, Nancy Letendre, Bill Depasquale,

**I. Call meeting to order**

Chair Ruggiero called the meeting to order at 3:04 PM.

**II. Opening Comments: Chairwoman Deborah Ruggiero**

Chair Ruggiero thanked the commission members for attending the meeting either in person at the State House or via WebEx. She also thanked the members of the public for taking the time out of their day to offer their comments. She acknowledged that the Commission received written testimony which is posted on the Commission website. She read some into the record:

- David Latham from South County recommends an ombudsman for the public interests as CRMC has an aquaculture coordinator representing applicants.
- Sharon Purdy of Jamestown recommended submerged oyster cages, and guidelines for floating cages.
- The Shellfish Growers Association is concerned changes in regulations may not include the shellfish growers.
- Tom Gibson on behalf of the Friends of the Waterfront wrote that the independence of CRMC is critical and the organization should not be folded into another state agency like DEM. He also acknowledged that staffing is a concern.
- 66 letters from members of Save the Bay had the following suggestions for improving CRMC:
  - Abolish politically appointed council.
  - Hire a dedicated staff attorney to represent the staff.
  - Appoint a hearing officer.
  - Increase staff and funding for managing new challenges.

**III. Public testimony - Focused on suggestions for future improvements to the organization and procedures of the Rhode Island Coastal Resources Management Council (CRMC)**

Mathew Behan, owner operator of Behan Family Farms and President of Ocean State Aquaculture Association.

- Agrees with Save the Bay on many of their points including that CRMC staff is highly regarded but they need more resources to be adequately staffed and to be better able to enforce their own regulations.
- Concerned that the council is not well trained in marine science and has conflicts of interest leading to staff recommendations being overturned.
- Agrees that there needs to be an apolitical appointment process for council members.
- Supported enhancing abutter notification but at the same time would like it recognized that the waters of the state are not owned by waterfront homeowners. A family in Woonsocket has just as much interest in our state waters as waterfront homeowners.
- Aquaculture pays substantial fees to farm the common waters of RI and some of the fees are the highest in nation and no other groups including marinas and sewage treatment plants pay any lease fees even though they impact the bay.

Robert Rheault, from East Coast Shellfish Growers Association, started Moonstone oysters in 1986 and is executive director of East Coast Shellfish Growers Association which represents 1,500 small shellfish farms from Maine to Texas.

- Agrees with almost all of the recommendations in the opinion piece drafted by Representative Ruggiero and Representative Carson.
- CRMC needs more resources, should have their own legal counsel, and needs to remove politics from the appointment process.
- Concerned the Commission is considering new regulations for aquaculture without input from the growers. RI shellfish farmers harvest the highest value marine protein from state waters, provide hundreds of jobs, produce crops without the use of drugs, chemicals or fertilizer and the shellfish farms have a tangible positive impact on water quality and provide a habitat for juvenile fish and other organisms.
- Constitution demands that RI manage the waters of the state for the benefit of the sovereign, the entire population of the state, not just those fortunate enough to live on the water.

Michael Woods, Chair of the Board of the New England Chapter of Backcountry Hunters and Anglers, resident of Saunderstown. The organization works to protect and enhance access to public land and waters and to ensure that our natural resources are being managed responsibly.

- Supports restructuring the responsibilities of the appointed council to an administrative agency. Grover Fugate testified that it often takes a council member a full term to understand the complex subjects that CRMC covers and he is concerned about new council members being able to vote on issues with an informed perspective during their first years and also concerned about the time and bandwidth CRMC staff must take to train the council members rather than carrying out CRMC's work. It would improve accountability to the agency's decisions because staff would report directly to the executive branch rather than diffusing responsibility.

- Consider providing legislative guidance on how resources and efforts are balanced in CRMC's organization. The Council's resources should be balanced between protecting the natural resources and encouraging development. CRMC seems to spend more resources on encouraging development than it does on environmental protection.
- Council needs a proactive enforcement and inspection program and the necessary staff to address violations in a timely matter.
- Changes in council membership and the staff's focus on wind energy have been impediments to reaching the goal of designating 15 rights of way in a 5 year period. CRMC only designated one right of way in that period.

Katie Martin, Ocean State Shellfish Cooperative, a wholesale dealer of RI grown oysters, represents sixteen different farms and ships nationwide. The coop provides services to allow the farmers to focus on farming. In 2019, RI produced a \$6 million oyster harvest, the highest value marine product in the state. There was a dip in sales due to Covid, but the market is recovering. In Rhode Island, aquaculture leases comprise only 350 of 80,000 acres of state waters. Highest value per acre and highest value per oyster than any state in the country. In RI there are over 40 farms supporting 200 workers.

Cameron Ennis, Ocean State Aquaculture Association, represents 30 of the 40 commercial aquaculturists in Rhode Island. He also started an aquaculture job training program at Education Exchange.

- Supports a process similar to the judiciary nominating process for appointing CRMC members.
- Supports CRMC being its own entity.
- Aquaculturists agree with increased notice for abutters.

Steve Ahlquist, Uprise RI

- Agrees with Save the Bay recommendations.
- CRMC needs to have environmental justice centered in its work. There should be representation from urban communities on CRMC.
- CRMC needs to consider how the state will move away from fossil fuels.

Jim O'Neil, Fourteen year member of South Kingstown town council.

- A super majority of the CRMC members must come from Block Island Sound towns and the lower bay towns.
- Change the process of selecting members, the cities and towns should select some members and put them before the governor.

Michael Rubin, (phone testimony) Friends of the Waterfront, 100% of the groups advocacy work is under CRMC.

- There should be criteria to become a CRMC council member.
- There should be staff attorney to advocate for the staff and to counsel them on a day to day basis.

- More funding for rights of way discovery and designation.
- To clarify, Friends of the Waterfront do not want CRMC moved into DEM or any executive level department with other responsibilities, but Friends of the Waterfront are neutral on Save the Bay's position that CRMC should be converted into an executive level agency.

Deb Hagan, (phone testimony) RI Coastal Advocacy Coalition, RICAC.

- Impartial public representation.
- Transparent processes.
- Sufficient notice.
- Meaningful public engagement.
- Engage the public early in the permitting process and avoid the last minute objections that extend the process and increase costs.

Liz Mendez, (phone testimony) Tiverton resident.

- Need to change CRMC to make aquaculture permit process equitable. Staff that reviews permits is also responsible for promoting growth in the industry. This is a conflict of interest. These practices favor the permit applicants while limiting stakeholder input.
- The wording in regulations is too broad and favors development.

Kenny Mendez, (phone testimony) Tiverton resident.

- Recommendations based on Long Island Suffolk County aquaculture lease program.
  - For all aquaculture lease applications, create a 1,000 ft. buffer from shore where no leases can be sited to minimize conflicts.
  - Establish a total social carrying capacity for aquaculture for the bay using stakeholder input then establish clear zones for aquaculture development.
  - Improve notification process to have meaningful public input early.
- Eliminate conflict between permitting and promotion of aquaculture.
  - Keep aquaculture permits as an administrative function of CRMC with clear guidelines. Staff should be there protect and conserve the waters for the public.
  - Move the responsibility for promotion of aquaculture and application assistance to another agency like DEM, there is already the RI Seafood Collaborative to support local fisherman and small businesses.
  - Engage local municipal governments as a resolution mechanism for conflicts about lease location when they cannot be resolved.

#### **IV. Adjournment.**

Representative Ruggiero announced that additional written testimony can be submitted to the commission. All of the testimony is on the General Assembly website. The meeting adjourned at 4:15 PM.